

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

RADOSLAV DIMITRIC §
VS. § CIVIL ACTION NO. G-06-107
TEXAS A&M UNIVERSITY, ET AL. §

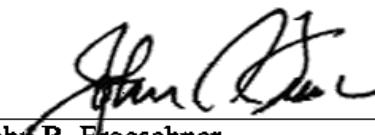
O R D E R

On March 26, 2007, Plaintiff, Radoslav Dimitric, filed a “Motion for Leave of Court to Amend/Supplement his Complaint” in an effort to add claims of age and sex discrimination and a claim under the Equal Pay Act. The Motion will be denied.

Any age discrimination claim would be, as the Court has already ruled, barred by the Eleventh Amendment. See Kimel v. Florida Board of Regents, 528 U.S. 62 (2000) Any sex discrimination claim would be unexhausted since Dimitric failed to include it in his Charge of Discrimination filed with the Texas Commission on Human Rights and the Equal Employment Opportunity Commission, thereby depriving the District Court of subject matter jurisdiction. See Randel v. United States Department of the Navy, 157 F.3d 392, 395 (5th Cir. 1998) And, Dimitric already has an Equal Pay Act claim pending against his employers in this cause.

Since Dimitric’s proposed amendments would be futile, his “Motion for Leave of Court to Amend/Supplement his Complaint” (Instrument no. 87) is **DENIED**.

DONE at Galveston, Texas, this 11th day of May, 2007.


John R. Froeschner
United States Magistrate Judge